



**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

Caption in Compliance with D.N.J. LBR 9004-2(c)

**Stark & Stark, P.C.
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Attorney for H.S.J. Properties, LLC**

IN RE:

Secret Garden Landscaping, Inc.

Debtor,

Case No.: 07-26349 (GMB)

**Hearing Date: July 28, 2008
at 10:00 a.m.**

Judge: Gloria M. Burns

Chapter: 7

Recommended Local Form:

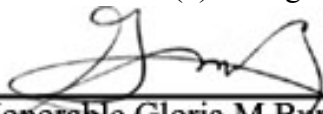
Followed

X Modified

ORDER MODIFYING AND LIFTING OF AUTOMATIC STAY CASE

The relief set forth on the following pages, numbered two (2) through three (3) is hereby

**ORDERED.
DATED: 8/18/2008**



**Honorable Gloria M. Burns
United States Bankruptcy Court Judge**

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Debtor: Secret Garden Landscaping, Inc.

Case No: 07-26349 (GMB)

Caption of Order: **ORDER MODIFYING AND LIFTING OF AUTOMATIC STAY**

The matter having been brought before the Court on Motion of Stark & Stark, A Professional Corporation, attorneys for the H.S.J. Properties, LLC, creditor of Secret Garden Landscaping, Inc. (the “Debtor”), Thomas S. Onder, Esquire, Stark & Stark, P.C, appearing, for an Order for: (1) abstention from the state court action against the Debtor, entitled HSJ Properties, LLC v. Secret Garden Landscaping, et al., Docket No. CAM-L-5411-05, (the “State Court Action”); and (2) modification and lifting the automatic stay to allow the H.S.J. Properties, LLC to proceed towards final judgment in the State Court Action, as well as allowing H.S.J. Properties, LLC to proceed against the Debtor’s applicable insurance policies and proceeds in order to liquidate its claim; and all opposition and reply papers being considered, and for good cause appearing,

IT IS SO ORDERED THAT:

1. The Bankruptcy Court hereby abstains from adjudicating merits of the State Court Action;
2. The automatic stay is hereby modified to allow the H.S.J. Properties, LLC to proceed towards final judgment or settlement of claims against the Debtor and other defendants in the State Court Action;
3. Any recovery by the H.S.J. Properties, LLC in the State Court Action against the Debtor or its estate is limited to the proceeds, if any, available under the Debtor’s applicable insurance

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policies provided, however, to the extent of available coverage, if any, plus any recovery that the Estate obtain from other third party or third party Defendants for the same damage in the State Court Action does not satisfy the Estate's Proof of Claim filed in this bankruptcy case, the Estate will be eligible to participate with other unsecured creditors in the distribution process in this bankruptcy case;

4. Notwithstanding anything to the contrary, any recovery that the Estate obtain against any Defendant or Third Party in the State Court action other than the Debtor shall not be limited by this Order; and

5. H.S.J. Properties, LLC will serve this Order upon the Debtor, Trustee and any other party that has made an appearance on this motion within seven (7) days of docketing of this Order.